

REMARKS

In light of the following remarks and above amendments, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 USC §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 2, 4, 6, 8, 10, 12, 14 and 16-40 and amended claims 1, 3, 5, 7, 9, 11, 13 and 15 are in this application.

At paragraph 3 of the outstanding Final Office Action of April 26, 2004, the Examiner rejected claims 5-8, 13, 14 and 25-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner indicated that claims 5, 7 and 13 have insufficient antecedent basis. Applicants have amended claims 5, 7 and 13 to have proper antecedent basis. Applicants therefore respectfully request that the 112, second paragraph rejection be withdrawn.

At paragraph 5 of the outstanding Final Office Action of April 26, 2004, the Examiner rejected claims 1-5, 9-13, 17-19, 21-23, 25-27, 33-35 and 37-39 under 35 U.S.C. § 102(e) as being anticipated by Maissel et al. (U.S. Application 2003/0088872 A1). Applicants respectfully traverse the rejection.

Amended independent claim 1, recites in part, “An information receiving device ...wherein a program selection apparatus receives program selection information upon selection of one of said programs listed in said program guide information, said list of programs in said program guide is previously created and stored by said user and said previously created and stored list of programs in said program guide is remotely accessed by said user upon request on said communication terminal device.” (Underlining and Bold added for emphasis.)

Maissel discloses the customization of an electronic program guide by an intelligent agent. The intelligent agent monitors the viewing behavior of viewers and creates a preference profile based on the monitored viewing behavior. (page 2, paragraph 0045) In other words, the viewer does not have the privilege of creating the electronic program guide on his/her own because the intelligent agent does that automatically. In contrast, the independent claims of the present invention specifically indicate that “said list of programs in said program guide is previously created and stored by said user and said previously created and stored list of programs in said program guide is remotely accessed by said user upon request on said communication terminal device.”

Furthermore, in the present invention, the user can request the electronic program guide that he/she has created by using a communication terminal device that can be operated from a remote location. Maissel does not allow the user to remotely access the electronic program guide that the user has created. Therefore, amended independent claim 1 is believed to be distinguishable from Maissel.

For similar reasons described above, it is also believed that amended independent claims 3, 5, 9, 11 and 13 are also distinguishable from Maissel as applied by the Examiner.

Claims 2, 4, 10, 12, 17-19, 21-23, 25-27, 33-35 and 37-39 depend from amended independent claims 1, 3, 5, 9, 11 and 13, and, due to such dependency, are also believed to be distinguishable from Maissel for at least the reasons previously described. Therefore, claims 2, 4, 10, 12, 17-19, 21-23, 25-27, 33-35 and 37-39 are believed to be distinguishable from Maissel.

Applicants therefore respectfully request the rejection of claims 1-5, 9-13, 17-19, 21-23, 25-27, 33-35 and 37-39 under 35 U.S.C. §102(e) be withdrawn.

At paragraph 7 of the outstanding Final Office Action of April 26, 2004, the Examiner rejected claims 20, 24, 28, 36 and 40 under 35 U.S.C. § 103(a) as being unpatenable over Maissel et al. (U.S. Application 2003/0088872 A1). Applicants respectfully traverse the rejection.

Claims 20, 24, 28, 36 and 40 depend from one of amended independent claims 1, 3, 5, 9, 11 and 13 and, due to such dependency, are also believed to be distinguishable from Maissel for at least the reasons previously described. Therefore, claims 20, 24, 28, 36 and 40 are believed to be distinguishable from Maissel.

Applicants therefore respectfully request the rejection of claims 20, 24, 28, 36 and 40 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 8 of the outstanding Final Office Action of April 26, 2004, the Examiner rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Maissel et al. (U.S. Application 2003/0088872 A1) in view of Ellis (U.S. Application U.S. 2003/0149988). Applicants respectfully traverse the rejection.

Claims 6 and 14 depend from amended independent claims 5 and 13, respectively, and, due to such dependency, are also believed to be distinguishable from Maissel for at least the reasons previously described. The Examiner does not appear to rely on Ellis to overcome the

above-identified deficiencies of Maissel. Therefore, claims 6 and 14 are believed to be distinguishable from the applied combination of Maissel and Ellis.

Applicants therefore respectfully request the rejection of claims 6 and 14 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 9 of the outstanding Final Office Action of April 26, 2004, the Examiner rejected claims 7, 15 and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Maissel et al. (U.S. Application 2003/0088872 A1) in view of Darbee et al. (U.S. Patent No. 6,130,726). Applicants respectfully traverse the rejection.

Amended independent claim 7, recites in part, “A remote operating system...wherein...a program selection apparatus program selection information upon selection of one of said program lists in said program guide information, **said list of programs in said program guide is previously created and stored by said user and said previously created and stored list of programs in said program guide is remotely accessed by said user upon request on said communication terminal device.**” (Underlining and Bold added for emphasis.)

The Examiner admits that Maissel fails to disclose, “an apparatus that comprises a second transmitting means for exchanging information via remote control and communicating means, the remote control comprising...receiving means for receiving the searched program guide information...” The Examiner then relies on Darbee to overcome the deficiencies of Maissel. However, Darbee’s disclosure does not overcome the deficiencies of Maissel. Darbee does not teach or suggest the additional limitation of amended independent claim 7.

Darbee discloses a remote control unit having a graphic display for depicting program scheduling and/or advertising information without causing an interruption in content that is being depicted on an associated television monitor (column 2, lines 45-50). In contrast, in

the present invention, the user can request the electronic program guide that he/she has created by using a communication terminal device that can be operated from a remote location to access that program guide at that remote location. Darbee does not allow the user to remotely access the electronic program guide that the user has created. Therefore, amended independent claim 7 is believed to be distinguishable from the applied combination of Maissel and Darbee.

For similar reasons described above, it is also believed that amended independent claim 15 is also distinguishable from the applied combination of Maissel and Darbee as applied by the Examiner.

Claims 29-32 depend from one of amended independent claims 7 and 15 and, due to such dependency, are also believed to be distinguishable from the applied combination of Maissel and Darbee for at least the reasons previously described. Therefore, claims 29-32 are believed to be distinguishable from the applied combination of Maissel and Darbee.

Applicants therefore respectfully request the rejection of claims 7, 15 and 29-32 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 10 of the outstanding Final Office Action of April 26, 2004, the Examiner rejected claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Maissel et al. in view of Darbee et al. and further in view of Ellis et al. Applicants respectfully traverse the rejection.

Claims 8 and 16 depend from amended independent claims 7 and 15, respectively, and, due to such dependency, are also believed to be distinguishable from Maissel and Darbee for at least the reasons previously described. The Examiner does not appear to rely on Ellis to overcome the above-identified deficiencies of Maissel and Darbee. Therefore, claims 6 and 14 are believed to be distinguishable from the applied combination of Maissel, Darbee and Ellis.

Applicants therefore respectfully request the rejection of claims 8 and 16 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 11 of the outstanding Final Office Action of April 26, 2004, the Examiner rejected claims 7, 15 and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Maissel et al. (U.S. Application 2003/0088872 A1) in view of Croy et al. (U.S. Patent No. 6,040,829). Applicants respectfully traverse the rejection.

Amended independent claim 7, recites in part, “A remote operating system...wherein...a program selection apparatus program selection information upon selection of one of said program lists in said program guide information, **said list of programs in said program guide is previously created and stored by said user and said previously created and stored list of programs in said program guide is remotely accessed by said user upon request on said communication terminal device.**” (Underlining and Bold added for emphasis.)

The Examiner admits that Maissel fails to disclose, “an apparatus that comprises a second transmitting means for exchanging information via remote control and communicating means, the remote control comprising...receiving means for receiving the searched program guide information...” The Examiner then relies on Croy to overcome the deficiencies of Maissel. However, Croy’s disclosure does not overcome the deficiencies of Maissel. Croy does not teach or suggest the additional limitation of amended independent claim 7.

Croy discloses a control device that has access to network delivered information (column 1, lines 5-7) and monitors and controls electronic devices (column 2, lines 15-21). In the present invention, the user can request the electronic program guide that he/she has created by using a communication terminal device that can be operated from a remote location to access that program guide at that remote location. Croy does not allow the user to remotely access the

electronic program guide that the user has created. Therefore, amended independent claim 7 is believed to be distinguishable from the applied combination of Maissel and Croy.

For similar reasons described above, it is also believed that amended independent claim 15 is also distinguishable from the applied combination of Maissel and Croy as applied by the Examiner.

Claims 29-32 depend from one of amended independent claims 7 and 15 and, due to such dependency, are also believed to be distinguishable from the applied combination of Maissel and Croy for at least the reasons previously described. Therefore, claims 29-32 are believed to be distinguishable from the applied combination of Maissel and Croy.

Applicants therefore respectfully request the rejection of claims 7, 15 and 29-32 under 35 U.S.C. §103(a) be withdrawn.

The Examiner has made of record, but not applied, several U.S. Patents. The Applicants appreciate the Examiner's explicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

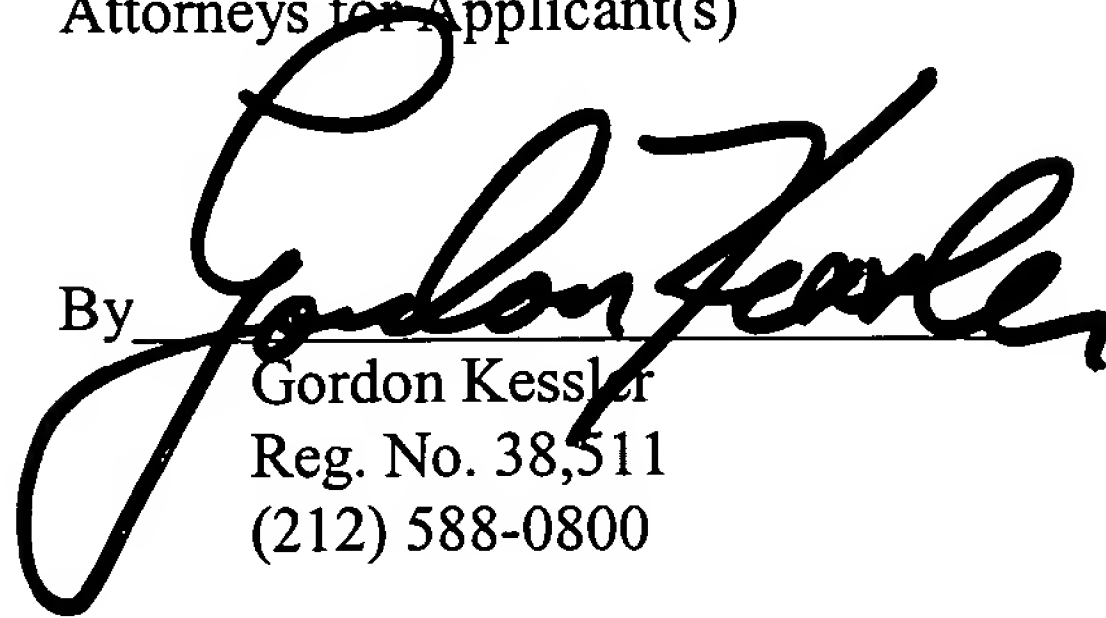
It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicant's undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to

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Respectfully submitted,
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By

A large, stylized handwritten signature in black ink, which appears to read "Gordon Kessler". The signature is written over a horizontal line that serves as a separator between the word "By" and the printed name and contact information.

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